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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,334	06/25/2001	Nobufumi Mori	Q65170	5953

7590 02/13/2003

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EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
2854	4

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/887,334

Applicant(s)

Mori et al.

Examiner

Stephen Funk

Art Unit

2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_  
2a)  This action is FINAL.      2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above, claim(s) 1-12 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 13-15 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.  
10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.  
12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2      6)  Other:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 - 12, drawn to a planographic printing method and plate, classified in class 430, subclass 270.1+.
- II. Claims 13 - 15, drawn to a planographic printing press, classified in class 101, subclass 467.

The inventions are distinct, each from the other because:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the planographic printing plate of the method could be performed before being mounted in the press.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as recognized by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation between Tracey Johnson (for Darryl Mexic) and Ex. Gilliam on January 28, 2003 a provisional election was made without traverse to prosecute the invention of Group II, claims 13 - 15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1 - 12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

The disclosure is objected to because of the following informalities: Note the minor errors on page 19 line 13, page 20 line 25, and page 69 line 23. On page 68 line 13, and thereafter, "Fig. 3" should presumably be --Fig. 6--. (Note also page 73 line 22.) On page 70 line 26 reference numeral "5" should presumably be --5'--. Note Figure 6. On page 74 lines 2 - 3, and thereafter, "Fig. 5" and "Fig. 6" should be --Fig. 4-- and --Fig. 5--, respectively. Additionally, reference numeral "51", shown in Figures 3 - 5 does not appear to be addressed in the specification. In claim 13 line 1 "An" should be--A--. Applicant should carefully review the specification for any additional errors, in particular with respect to reference numerals and Figures. Appropriate correction is required.

Claims 13 - 15 are objected to under 37 C.F.R. 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 line 12, claim 14 line 5, and claim 15 line 5 the recitation of heating the printing plate "during" light irradiation would appear to improperly recite a method of using the apparatus.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda (JP 2000-062,335). Suda teaches a mounting section (11), a processing section (12), an activation light irradiation section (15), a heat section (17), an ink and dampening section (16), and a printing section (13). The recitation of heating during the light irradiation does not properly limit the structure of the apparatus. Note, however, that the heating section (17) of Suda could heat the printing plate during irradiating with section (15). With respect to claims 14 and 15 Suda does not disclose the particular structure of the heating section. However, it would have been obvious to one of ordinary skill in the art to provide the heating section of Suda with either an irradiating light or electric heating source as each is conventional in providing heat.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

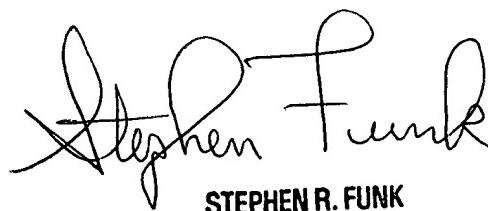
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk  
February 10, 2003



STEPHEN R. FUNK  
PRIMARY EXAMINER